

MEETING RECORD

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, November 29, 2000, 1:00 p.m., City Council Chambers, First Floor, County-City Building, 555 S. 10th Street, Lincoln, Nebraska

MEMBERS IN ATTENDANCE: Russ Bayer, Jon Carlson, Steve Duvall, Linda Hunter, Gerry Krieser, Patte Newman, Tommy Taylor, Greg Schwinn and Cecil Steward; Kathleen Sellman, Ray Hill, Mike DeKalb, Steve Henrichsen, Jason Reynolds, Kay Liang, Jean Walker and Teresa McKinstry of the Planning Department; media and other interested citizens.

STATED PURPOSE OF MEETING: Regular Planning Commission Meeting

Chair, Russ Bayer, called the meeting to order a requested a motion to approve the minutes of the regular meeting held November 15, 2000. Motion to approve made by Schwinn, seconded by Carlson and carried 8-0: Bayer, Carlson, Duvall, Krieser, Newman, Schwinn, Steward and Taylor voting 'yes'; Hunter abstaining.

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION BEFORE PLANNING COMMISSION:

November 29, 2000

Members present: Bayer, Carlson, Duvall, Hunter, Krieser, Newman, Scwinn, Steward and Taylor

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 3291; FINAL PLAT NO. 00020, NORTHRIDGE HEIGHTS 9TH ADDITION; FINAL PLAT NO. 00033, FALLBROOK ADDITION; and STREET AND ALLEY VACATION NO. 00021.**

Steward moved to approve the Consent Agenda, seconded by Hunter and carried 9-0: Bayer, Carlson, Duvall, Hunter, Krieser, Newman, Schwinn, Steward and Taylor voting 'yes'.

Note: This is final action on the Northridge Heights 9th Addition Final Plat and Fallbrook Addition Final Plat, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by Planning Commission.

CHANGE OF ZONE NO. 3213
FROM R-3 RESIDENTIAL TO
B-2 PLANNED NEIGHBORHOOD BUSINESS
AND O-3 OFFICE PARK
and
SPECIAL PERMIT NO. 1813,
THE PRESERVE ON ANTELOPE CREEK
COMMUNITY UNIT PLAN
and
USE PERMIT NO. 125 FOR A
RETAIL NEIGHBORHOOD CENTER AND OFFICE PARK
and
PRELIMINARY PLAT NO. 99027,
THE PRESERVE ON ANTELOPE CREEK,
ON PROPERTY GENERALLY LOCATED
AT SOUTH 77TH & PIONEERS BLVD.
PUBLIC HEARING BEFORE PLANNING COMMISSION:

November 29, 2000

Members present: Carlson, Steward, Newman, Duvall, Hunter, Schwinn, Krieser, Taylor and Bayer.

Planning staff recommendation: Approval of the change of zone and conditional approval of the special permit, use permit and preliminary plat.

The Planning staff requested a two-week deferral to advertise a revised legal description. Schwinn moved to defer, with continued public hearing and administrative action scheduled for December 13, 2000, seconded by Hunter and carried 9-0: Carlson, Steward, Newman, Duvall, Hunter, Schwinn, Krieser, Taylor and Bayer voting 'yes'.

Proponents

1. **Bill Kubly**, 2417 Ridge Road, CEO of **Landscapes Unlimited, L.L.C.**, presented the application. Landscapes Unlimited purchased Nebraska Nurseries from Richard Speidell approximately 1.5 years ago because of its natural setting and it is considered to be the best of its type and size in the City, second only to Wilderness Woods. The very natural setting will be maintained utilizing existing plant materials to provide a setting for living unparalleled in the midwest. The natural site and character will be maintained as it is today. They will utilize the ponds and create a most desirable place to live in Lincoln. There are 1,000 trees on-site grown for landscape stock and they will be used on the site to create and maintain the natural setting.

2. Kent Braasch, Essex Corporation, 11606 Nicholas St., Omaha, submitted renderings of the unifying elements and the commercial and office lots. The area is generally located between 77th Street on the west, south of Pioneers running over to approximately 81st Street. This is currently the home of Nebraska Nurseries and as such is a heavily treed site; the land gently slopes from the northeast to the southwest down toward some ponds at the south end of the property. The existing ponds are in the Antelope Creek drainageway.

This site is approximately 67 acres. The proposal represents a modification of a plan that has previously been submitted and approved (Antelope Commons). The land currently is zoned R-3; to the east of the site is R-3 single family; to the south and west is R-3; immediately to the west across the street is O-3; and to the north of Pioneers is R-1 single family.

The proposed development includes 90 single family dwellings; 44 townhomes; a seniors/independent living facility and assisted living facility; two small two-story, multi-family 16-unit apartment complex; commercial office area on the waterfront; the northwest corner is a B-2 area that will be a commercial/mixed use area. The intent is to maintain the site in its current condition as much as possible; there are over 1100 trees on-site that can be relocated; and they intend to maintain the grade and as many trees as possible.

Generally speaking, this application attempts to create a small village concept featuring a variety of housing choices. Additionally, they are attempting to create a commercial mixed use area with light commercial shops on the first floor with residential or office on the second floor. The attempt is to create an area that would provide services to the residential neighbors and the surrounding residential neighbors. The type of services would be ice cream shop, deli, garden center, Hallmark Card Store, etc. The commercial features include an entry sculpture or water feature with a water feature at the south end of the site which will be a focal point.

Photographs of the type of commercial/business development for the B-2 area were also submitted. The two-story, pedestrian oriented buildings will be set back 20' to allow a lot of green space in front of the buildings to provide for outdoor tables, umbrellas, benches, sculpture, etc. The parking spaces are behind the buildings in an attempt to keep it a pedestrian area.

The entire site is tied together with walkways and pathways that allow people to move comfortably through the site. Walkways will go across the pond and tie in with the trail.

Braasch indicated that they have met with the residents to the east of the property; and the

property immediately south and across the street south of Pioneers. They have modified the plan as a result of the meetings with the neighbors. The size of the lots for the residential area on the east side has been increased, decreasing the density and making the lots larger and more compatible with the homes east of that area. They will do some planting on the west to screen the residential areas. As they begin to put in streets and utilities, they will relocate trees. The trees will be marked and the residents will be allowed to select the trees that they want and where they will be relocated. Behind the independent living, they plan to do a berm with landscaping and trees. Pioneers Blvd. and Lucile Drive and the parking area that subdivides the townhomes from the commercial area will be screened with a berm and trees.

Kubly added that because of the 1100 existing trees, the developer wants to maintain the look that exists. They do not desire a standard street tree planting plan, but request to utilize more trees and make them appear to be there in nature. The median has been planted by Mr. Speidell and it is maintained. The plantings will be intensified with a lot of ground cover to make it look very natural and very wooded. The existing Pin Oaks do not have the iron disease. The plant material does not belong to the nursery business but to the developers of the land.

Carlson asked the applicant to discuss the ponds and their relationship to Antelope Creek. Kubly responded that the ponds were constructed with the help of the NRD some 5-7 years ago. The NRD contributed some funding to get this done for Speidell in his original plan. The ponds are flood detention for Antelope Creek. There is some silt protection and these ponds prevent the silt from getting further downstream. The ponds are currently used for fishing for the Bright Lights program.

Steward recalled that one of the original notions of the single family part of this project from Speidell was a permit to allow second structures in addition to the main structure, or the ability to take care of an elderly parent. Do you have any thoughts or plans in that direction? Braasch indicated that this developer has not taken that same approach. All of the lots are single family.

Hunter inquired whether there was any concern about the closeness of ingress and egress to the single family residences. Braasch stated that they have talked with staff, resulting in the proposal of a right-in right-out with triangular median which would prevent a left hand turn from Pioneers into that area, or would also prevent a left hand turn out of that area. When there is a right-in right-out, the distance from Lucile is 300', which they did not believe to be too close and that it was probably not a problem. There had been some discussions as to whether this developer will get a cut-through effect to avoid a traffic light, but with a business oriented area, the developer believes that to be of minimal concern.

Schwinn noted that the staff report includes a number of conditions. Braasch stated that they have read the conditions and they have no issue or concern. They will be meeting

with staff to get some clarification, particularly with the flood control issues.

3. Mike Morosin, past President of the Malone Neighborhood Association, testified in support. He is glad to see the development utilizing the ponds. These are the headwaters of Antelope Creek and the Malone neighborhood is the recipient. He is hopeful other developers will take the time to take a look at all these tributaries and detain that water and slow it down. He appreciates that they will look at the flood control issues.

Opposition

1. Ken Kontor, 4210 So. 78th Street, corner of 78th & Pioneers, across the street from the proposed B-2 zoning, testified in opposition. He received notice of this application and hearing on November 20th, so he has only had nine days to research it. The reason he is opposed is because of the fact that "it is the best way to go right now". His number one concern is that on 78th Street he has a hedge that acts as a buffer between his home and Pioneers Blvd. Two weeks ago, the people from Planning were taking pictures at his home and they were looking at the possibility of removing the hedge. His hedge is 7' and he does not want it removed. Another concern is that two of his bedrooms are on the south side of his home. Therefore, he is concerned about the lighting in the parking lot. The developer does not know what type of lighting will be installed in the parking lot. Is there a PUD on this project? The step from R-3 to B-2 is a concern. He believes this is an awfully big leap and open-ended. He wants to know what the uses are going to be. He is concerned about the quality of the B-2 area. His neighbor, Bill Allen, 8000 Pioneers, could not attend today, but he is also in opposition. Kontor wants the opportunity to sit down with the developers to look at maintaining the quality on the other side of Pioneers Blvd.

Bayer suggested that that meeting could occur in the next two weeks.

Ray Hill of Planning staff advised that the people out looking at Kontor's hedge were not from the Planning Department. It may have been someone from Public Works investigating the widening of Pioneers Blvd. Bayer asked whether the City puts a new hedge in if they remove the existing. Dennis Bartels of Public Works advised that typically on a street widening project, if the hedge is in the existing right-of-way, there would be no obligation to replace it. The city will either purchase the right-of-way or a construction easement to get into vegetation. If that were the case, the city would be obligated to pay the cost of damages to the vegetation. We like to pay the property owner enough to replace it, but that in theory is taken care of in the price of the fee simple right-of-way or the construction easements. Typically, on private property, the city does not replace but would be obligated to pay the property owners for damages if the owner wished to replace it.

Carlson inquired about the impact on the setbacks in the event of street widening. Bartels advised that the Pioneers Blvd. project is in this year's approved budget and the plans are being prepared by the Design Section of Public Works. There is no firm commitment as to when it will be built, but the funding is approved. With this project, the developer is dedicating right-of-way 50' from the centerline and this is sufficient to build the pavement. If this development occurs before the city's project, the grading plan should meet the city's future right-of-way grades as much as possible. If this development occurs after the city's project, the setback should not be a problem. Bartels does believe, however, that the anticipated widening will fit in. Carlson sought confirmation that even with the request for waiver there will be 50' of right-of-way. Bartels concurred and believes Public Works would require the grading plan to start at the 50' line to have minimal effect on the private property.

Bartels stated that he had raised concerns about the driveway. From a Public Works traffic engineering point of view, they prefer to minimize the number of driveways and entrances off an arterial street with the goal of keeping better traffic flow on the major streets. Public Works would prefer that all access be taken from Lucile or 80th Street in this circumstance. One question Bartels has raised is the offset. He does not know the relationship of the driveway to 78th Street. Right turn in and out is a better situation than a full access driveway. The applicant had indicated a willingness to make the right turn in and out.

Response by the Applicant

Braasch has talked with the opposition. The developer did send letters to everyone on the north side of Pioneers this summer, and they did talk about the parking lot across the street. They have not gotten into the specificity of the light fixture but will talk about down-lighting for that area to maintain the pedestrian measure. The types of businesses will be operating from 8:00 a.m. to 10:00 p.m. The intent is to berm that area between this developer's property and Pioneers Blvd. and they will plant shrubbery in that area to help screen the cars in that parking area from Mr. Kontor's lot.

Steward assumed that it would be reasonable to note that this applicant is apparently planning upper story living in the office structures, so from the standpoint of acceptability, that corner needs to be a quiet commercial corner to make this strategy work. Braasch concurred.

There was no further public testimony. These applications will have continued public hearing and action on December 13, 2000.

COMBINED USE PERMIT/SPECIAL PERMIT NO. 17
FOR GENERAL OFFICE, MEDICAL OFFICE AND
RESTAURANTS ON PROPERTY GENERALLY LOCATED
AT SOUTH 13TH AND 14TH STREETS BETWEEN
BURNHAM AND STOCKWELL STREETS.
PUBLIC HEARING BEFORE PLANNING COMMISSION:

November 29, 2000

Members present: Carlson, Steward, Newman, Duvall, Schwinn, Krieser, Taylor and Bayer; Hunter declared a conflict of interest.

Planning staff recommendation: Conditional approval of the use permit without the restaurant; denial of the special permit for a drive-through restaurant.

Proponents

1. **Kent Seacrest** appeared on behalf of **Stockwell Properties, L.L.C.** This property is already zoned O-3. There are issues that have arisen and Seacrest requested a two-week deferral to become familiar with the case and work with the staff and the neighborhood.

Carlson moved to defer, with continued public hearing and administrative action on December 13, 2000, seconded by Duvall and carried 8-0: Carlson, Steward, Newman, Duvall, Schwinn, Krieser, Taylor and Bayer voting 'yes'; Hunter declaring conflict of interest.

There was no testimony in support nor in opposition.

SPECIAL PERMIT NO. 1830A
AN AMENDMENT TO THE MANDARIN COURT
COMMUNITY UNIT PLAN,
ON PROPERTY GENERALLY LOCATED AT
MANDARIN CIRCLE AND SOUTH 84TH STREET.
PUBLIC HEARING BEFORE PLANNING COMMISSION:

November 29, 2000

Members present: Carlson, Steward, Newman, Hunter, Duvall, Schwinn, Krieser, Taylor and Bayer.

Planning staff recommendation: Denial.

Ray Hill of Planning staff submitted a letter from the Fire Inspector's office indicating that they are still opposed to the reduction of width of the private roadway, but proposing a compromise to allow the road width to be 16' with 2' of crushed rock along each side of the road, which would be equivalent to the 20 feet.

Hill advised that the Planning staff continues to recommend denial based upon the Fire Department's original comments. As he understands it, this is a proposed compromise that the Fire Department would accept.

Proponents

1. **Keith Dubas** appeared on behalf of Richard Speidell. The desire to narrow the width of the road was not one of cost concern, but to reduce the amount of runoff in a sensitive area which is adjacent to the former Antelope Commons property, now known as The Preserve on Antelope Creek. Dubas believes the request is reasonable because the code allows for 150' length with regards to a condition similar to this location. There is 250' from Mandarin Circle to the garage door of the last residence on that Mandarin Court site, which is 100' beyond what is permitted by Code. At the same time, there would be a fire hydrant at both ends of the CUP. With those conditions, the applicant believes that the request for the 16' roadway is reasonable. Dubas has not had an opportunity to discuss the compromise with Speidell, and he believes this would be acceptable rather than denial.

Carlson wondered whether the magic number of 150' has something to do with the length of the fire hose. Hill could not answer. Carlson asked whether the staff was aware of the two hydrants. Hill explained that the existing hydrants were required as part of the original CUP and he does not believe the location of the hydrants has anything to do with the concern about the width of the roadway.

Dennis Bartels of Public Works does not believe there are any existing hydrants. Steward understands, however, that there will be one at each end of the roadway. Bartels concurred. He further stated that the Fire Dept. likes to have hydrants with 300' spacing along a street with the idea that no matter which direction they come from they are never more than 150' from a hydrant. They don't want to drive their fire trucks into that kind of road if they have to drive in more than 150'. Bayer noted that if they drive the fire trucks in, they would have to back them out and the 20' width will help them.

With respect to the width of the road, Bayer does not believe the placement of the hydrants is an issue.

Hunter commented that this is the same property that was before the Commission previously that was supposedly single family seeking to be divided into five, and then came back down to three. She has a real problem with shortening the width of the street, especially with the number of homes that were put into that development. There was a lot of discussion in terms of even allowing that number of homes, and then to narrow the roadway does not seem acceptable.

Response by the Applicant

Dubas explained that they wish to narrow the width of the road to slow down the traffic and make people aware that it is a private drive, or actually more like a private driveway. The private roadway does have traffic in two directions at 25 mph. By creating a narrower driveway, Dubas believes it makes the traveling public more watchful and they will drive at a slower rate of speed.

There was no testimony in opposition.

Carlson inquired of Mike Merwick, Director of Building and Safety, as to the rationale for the 20' width for the street and 150' as a number beyond which you want turnarounds. Merwick explained that the design standards require 20'. Instead of putting another hammerhead down there, the Fire Department has required the 20' roadway. 150' has nothing to do with the 20' width of the roadway. With three properties, we can forego the turnaround, but the dimension of the road is 20'.

Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

November 29, 2000

Schwinn moved to deny, seconded by Hunter.

Schwinn does not believe that 16' is wide enough for parking cars, especially if there was some type of emergency.

Newman will vote to approve this request. She knows of an arterial street with two-way traffic which is only 22'. She does not understand why we can't give them the 16' for just three houses.

Duvall agreed with Newman. With only three residences it is too much to ask for 20'.

Hunter believes it is a safety issue and that the design standards should prevail.

Motion to deny failed 2-7: Hunter and Schwinn voting 'yes'; Carlson, Steward, Newman, Duvall, Krieser, Taylor and Bayer voting 'no'.

Duvall moved approval, with conditions, with amendment to Condition #1 to include the two feet of crushed rock on both sides of the 16' roadway, seconded by Steward and carried 8-1: Carlson, Steward, Newman, Duvall, Schwinn, Krieser, Taylor and Bayer voting 'yes'; Hunter voting 'no'.

SPECIAL PERMIT NO. 1886

TO OPERATE A CLUB ON PROPERTY

GENERALLY LOCATED AT

6401 PINE LAKE ROAD.

PUBLIC HEARING BEFORE PLANNING COMMISSION:

November 29, 2000

Members present: Carlson, Steward, Newman, Hunter, Duvall, Schwinn, Krieser, Taylor and Bayer.

Planning staff recommendation: Deferral, revised to conditional approval on 11/29/00.

Jason Reynolds of Planning staff submitted a letter from the applicant, mentioning a discussion with Health Department. The Health Department has determined that there is no longer a concern with sewage. Therefore, the staff recommendation is revised to conditional approval.

Proponents

1. Brian Carstens appeared on behalf of **Campus Life/Youth for Christ** requesting a special permit to operate a club in an existing residence at 6401 Pine Lake Road. Campus Life recently purchased the property and desires to operate an administrative office for their club at this location with two full-time secretaries and a director. There are 18 total employees, 15 of which are out in the schools doing out-reach programs. Those staff members would meet one to two times per work. There would be additional times the facility could be used for meetings of 15 to 50 youth. There would be a ball diamond, volleyball court and basketball court, with paved parking.

Carstens stated that the applicant met with the neighbors four weeks ago and one of their concerns had to do with lighting. Therefore, the applicant has prohibited lighting of the ball diamond and outdoor activity area; the parking lot lights will be turned off by 10:00 p.m. The house will be used "as is" with an addition to the garage. The site will remain pretty much intact. Carstens agreed with the staff conditions of approval.

2. Tim Bohlke, Director of Campus Life for 18 years, testified in support. Campus Life works with teenagers and the staff are assigned to various schools and outreach programs. Most of their work is off-site. Bohlke compared it to a church youth program in the sense of what Campus Life does in terms of outreach and programs.

Newman wondered whether the outreach workers need a home base. Bohlke agreed that

this location will be their administrative offices. But most of their work is off-site. They currently have offices downtown and typically throughout the day there will only be four to five people working in the office. They do have workstations for people to work, but they rotate and are rarely there all at one time other than for staff meetings.

Steward believes this is a rather large property for the functions and he wondered whether Campus Life envisions expansion. Bohlke thought that might be possible sometime further in the future. Campus Life became interested in the property because of what it is right now. They are hoping to use the barn for some games, etc. Some of the uses will be recreational beyond the administration. He does not foresee any significant expansion.

Hunter inquired whether Campus Life has met with the neighbors as far as locating administrative offices next to acreages. Bohlke stated that they did meet but there didn't appear to be any opposition.

Opposition

1. Tom Gapp, 7501 So. 70th Street, testified in opposition. He agreed that Campus Life is a fine organization but he believes this will primarily be an office. It is currently a 3,000 sq. ft. residence and he believes it is to be offices rather than activities for the youth. With the presence of a paved parking lot means that it would never revert back to a residence and it would become a permanent office facility in a residential area. What happens to the next three houses as the road becomes four-lane? Is that a natural progression of future offices or the same type of nonprofit club organizations wanting to move their offices? The neighbors immediately adjacent are opposed. A compromise might be a guarantee that this use disappears if it is no longer used by Campus Life.

Staff questions

Newman's problem is 20 employees, even though designated as a club. It is a transitional use but she is concerned about the administrative offices. Jason Reynolds of Planning staff clarified that the current use is a single family residence, and it should be easy to convert it back to single family residential in the future. The special permit runs with the property, so Campus Life could sell it to another club. The special permit would have to be rescinded by an administrative amendment in order to revert back to residential.

Rick Peo, City Law Department, advised that "club" is defined in the ordinance and defined very generically and very broadly so it is real hard to put good limitations on it other than nonprofit organization for charitable, religious, recreational type purposes, etc. It cannot be a business per se. The Commission needs to consider the impact of the club and whether it is appropriate for the area based on its function. The conditions run with the land; it is a special permit for a club; any future user would have to meet the definition of a club with no impact more than what we have now. In the past, these problems have

been dealt with between the abutting property owners and the applicant by private covenants. From the city's point of view, we can only propose reasonable conditions on the use. The use runs with the land. It is a property right—not an individual right. We are looking at land uses versus who the applicant is.

Response by the Applicant

Carstens suggested that one of the reasons they picked this site was the 10 acres and the floor plan of the house because it has very large rooms orienting back toward the pool area and those can be made into meeting areas for the youth that they serve. The office is secondary to the meeting rooms.

Steward does not see any reference to the adjacent railway. He wonders what the location of the railway does in a consequential sense for the residential use of the property. Carstens acknowledged that the railway is on the entire western boundary. 95% of the site is also in the 100 year floodplain. A residential development back to the track would not be advisable. He has talked with Parks and the neighbor to the south about dedicating a pedestrian trail to link the city back to Jensen Park; however, this is not part of the special permit.

Newman asked whether the applicant would be receptive to voluntarily talk with the neighbors and talk about the future sale of the land. Bohlke could not comment until he consults with the Campus Life board because it would be a financial consideration.

Carstens indicated that they would agree to a two week delay to work with the neighbors.

Duvall moved to defer for two weeks, with continued public hearing and administrative action scheduled for December 13, 2000, seconded by Steward. However, the continuance is strictly to get an answer to the question about the applicant's willingness to enter into a private agreement with the neighbors with respect to future use of the property.

Motion for deferral until December 13, 2000, carried 9-0: Carlson, Steward, Newman, Duvall, Hunter, Schwinn, Krieser, Taylor and Bayer voting 'yes'.

SPECIAL PERMIT NO. 1887
WEST POINT BUSINESS PARK,
ON PROPERTY GENERALLY LOCATED
AT S.W. 40TH STREET AND WEST 'O' STREET.
PUBLIC HEARING BEFORE PLANNING COMMISSION:

November 29, 2000

Members present: Carlson, Steward, Newman, Hunter, Duvall, Schwinn, Krieser, Taylor and Bayer.

Planning staff recommendation: Conditional approval.

Jason Reynolds of Planning staff submitted a letter from the applicant, Brian Carstens, requesting a two-week deferral to resolve right-of-way issues on N.W. 40th Street.

Reynolds advised that Condition #1.1.9 should be revised to read, "The dedication of 33' of right-of-way on N.W. 40th Street as requested by Public Works" (instead of 50').

Steward moved to defer with continued public hearing and administrative action scheduled for December 13, 2000, seconded by Duvall and carried 9-0: Carlson, Steward, Newman, Duvall, Hunter, Schwinn, Krieser, Taylor and Bayer voting 'yes'.

There was no testimony in support or in opposition.

COMPREHENSIVE PLAN AMENDMENT NO. 94-56
TO ADOPT THE PROPOSED "SOUTHEAST LINCOLN/HIGHWAY 2
SUBAREA PLAN" ON PROPERTY GENERALLY LOCATED
FROM SOUTH 56TH TO SOUTH 98TH STREETS,
FROM OLD CHENEY ROAD TO ½ SOUTH OF YANKEE HILL ROAD.
PUBLIC HEARING BEFORE PLANNING COMMISSION:

November 29, 2000

Members present: Carlson, Steward, Newman, Hunter, Duvall, Schwinn, Krieser, Taylor and Bayer.

Planning staff recommendation: Continued public hearing on December 13, 2000, then approval.

Steve Henrichsen of Planning staff submitted two letters in opposition to additional commercial areas in the subarea plan beyond what is shown.

Proponents

1. Steve Henrichsen of Planning staff presented the proposed Comprehensive Plan Amendment.

The subarea plan goes back to November, 1994, when the Comprehensive Plan was adopted. At that time, the very large potential commercial site at 84th & Hwy 2 was amended into the Plan. It was first proposed in June, 1993, by the Planning Department as part of the draft Comprehensive Plan. There was considerable discussion from June, 1993, to November, 1994, and it was in September, 1994, that a conceptual subarea plan with Exhibits A through E was added to the draft Comprehensive Plan and the Comprehensive Plan was ultimately adopted. The Exhibit E referred to is Exhibit E of Appendix A of the Comprehensive Plan, where we list all of the approved and adopted subarea plans.

The focus of that conceptual subarea plan was on the future zoning of the commercial area shown in the Plan at 84th & Hwy 2. When that commercial area was put in the Comprehensive Plan in September of 1994, Tim Stewart, the then Planning Director, “reiterated that the phasing plan and land uses are preliminary and independent upon results of studies for this area that are hereafter described.” Those studies included traffic, environmental studies, sanitary sewer studies, etc., that needed to be provided prior to the zoning of this site. Since September, 1994, that has been the underlying assumption that we have operated upon—that these studies needed to be completed and the commercial area as shown was preliminary.

Subsequent to adoption of the Plan in 1994, in November, 1997, as part of the annual review of the Plan, Kent Seacrest did submit an 84th & Hwy 2 subarea plan that included an incomplete traffic study and it was deferred until those studies were complete. From November, 1997, to September, 1998, there was considerable discussion between the staff, Seacrest and consultants. In September, 2000, a subarea plan and two traffic studies and a sewer study were submitted to the Planning Department and Public Works for review. As a result, the staff has heard from numerous other property owners in regard to their concerns and issues.

While the subarea plan in 1994 was appropriately sized, it only covered 1.5 miles. At this time, the staff believes it is much more appropriate to have a subarea plan of much larger area. Henrichsen then referred to page 230 of the agenda. The staff is recommending that the area range from 56th to 98th Streets, generally from Old Cheney Road on the north to ½ mi. south of Yankee Hill Road on the south. The staff is proposing a much larger area because many of the transportation and land use impacts are with regard to a lot of properties up and down the Hwy 2 corridor.

The staff has taken the Seacrest subarea plan draft and made several changes. The

Planning Department requests that this public hearing be continued to December 13th because some of the neighborhood associations have not had opportunity to fully review the proposal.

The general basic points of the subarea plan are listed on page 6 of the subarea plan. The purpose of the proposed land uses and transportation network is to discourage strip development and protect and improve the entryways to this area of the city.

The proposed subarea plan provides for 2.1 million sq. ft. more of commercial space in this area (which is equivalent to two Gateways).

With regard to entryways and the transportation network, the Long Range Transportation Plan (LRTP) showed this area for four lanes. The staff has done numerous traffic models adding 2.1 million sq. ft. and finds that the traffic capacity is generally at or slightly below the capacity for four lanes. There are existing residences and this is an area undergoing change. This needs to be done in a way that is sympathetic and takes into account the characteristics of the area.

Steward commented that it would appear that we are vulnerable to increased pressure on Highway 2 for two types of land use conditions. One is strip and how extensive and continuous strips become with multiple ingress/egress opportunities off Hwy 2, and the other is cross-highway traffic. On the original submitted proposal, there was a much larger acreage for the commercial development that ran from Hwy 2 north and then more extensively east, than the Planning Department's proposal; however, in both cases there is cross-highway retail, more or less, as if it was a center with a highway running through it. Steward asked staff to explain the logic. If we have the flexibility of changing the land pattern according to the Planning Department model, why would we even consider a cross-highway retail in this location? Henrichsen responded that the large center at one point went from 84th to 98th from Pine Lake Road to Hwy 2. The staff proposal shows urban residential while retaining the commercial designation on the south side of Hwy 2. In looking at the features of this part of the site, the staff believed that a certain area was appropriate for urban residential uses. On the south side of Hwy 2 there is an area between 84th and 91st with an existing rail line on the south end. We look at the center on the north side of Hwy 2 as being the type of commercial use integrated with the whole, with trips within the center and the commercial on the south side of Hwy 2 may be more highway commercial oriented. The applicant's original proposal was for a median opening and intersection at approximately 87th Street. Potentially there might be an opportunity for an underpass on Hwy 2 at this point.

Bayer inquired whether the additional 2.1 million sq. ft. is just the corner or whether it

includes the 70th & Hwy 2 and 84th & Old Cheney sites. Henrichsen advised that Andermatt had proposed 3 million sq. ft. 267,000 sq. ft. is part of the Willow Brook proposal at 70th & Hwy 2 in addition to the 1.4 million sq. ft. in the area of 56th & Hwy 2. The proposal does not include any commercial development in the neighborhood centers at 84th & Old Cheney, 56th & Pine Lake Road, etc.

Proponents

1. Charlie Humble testified on behalf of **Shopko Stores, Inc.** In relation to what is identified in the Subarea Plan as future commercial sites, Shopko certainly would like to recommend that the Shopko site located adjacent to the Trade Center on the south side of Hwy 2, be included in any future commercial designation. The Shopko site consists of about 55 acres, located in close proximity to the Trade Center, Edgewood and the south side of the highway. In late 1993, Shopko made application for a Shopko and Menards combination of 290,000 sq. ft. that was turned down. Since then, the Comprehensive Plan designation has been urban residential. There will be no Shopko store located here, but the site is conducive to what we would envision as a high end retail site with perhaps some offices. Some creative grading could be done on the site and it is interesting because there is a large green space behind it to the south; it abuts the Trade Center, so it does not directly abut any of the residential property in the area.

Humble advised that inquiries have been made and they are increasing from others who would want to develop this property as high-end retail and office. They anticipate a very attractive highly landscaped buffered type development. This site's only access is onto Hwy 2. There has not been one single interest expressed for residential, but there have been a number of inquiries about commercial in the future. There are reasons why there is no residential interest—proximity to existing commercial, traffic, etc. This site would not fit into the definition of a traditional strip center. It would be foolhardy to ignore it as a potential commercial site.

Humble wanted to make sure that there is an understanding that this site exists, and even though the Shopko store was denied in 1993, the property still should be developed as commercial.

2. Bill Rentschler, resident on the north end of Old Cheney Road, believes this subarea plan development has been going on for four or five years and Cheney has not had a lot of opportunity to provide any input. Rentschler lives on the northernmost property of Cheney. Some of the problems that the Cheney residents have is the transition area from the development north into the west. Currently, there are nine different property owners in the northern strip. Two of those owners will remain where they are—the church and an industrial site with a home. Rentschler suggested that the land use in that area is not being used too appropriately. The people in Cheney would like this area to be developed well. The proposal being presented today shows the property as urban residential, but in

order to develop there will need to be a developer to do it; otherwise there are 9 individuals with 3-9 acres apiece. The northernmost point is close to the intersection; it is the highest elevation in the county with a view of the Capitol; it certainly could have commercial applications. Rentschler believes that these property owners need to spend more time with the Planning Department to discuss this area. He would like to see some kind of transitional commercial on that corner location to make it attractive for a developer to develop, while developing it in conjunction with the people of Cheney. He understands this is tied to annexation of Cheney proper, but he believes we can solve the problems if we look at them right now. Rentschler requested to meet with the staff between now and December 13th.

Steward inquired whether there is a board of supervisors of Cheney. Rentschler stated that there is a community improvement program. They have tried to address the issue on the north end but have not been able to do that. He believes the development will be good for the community in general, but we need to address things specifically. It is a key factor in what we see in Cheney.

3. Gayle Hanshaw, President of Cheney CIP, testified in support. The Cheney CIP would be willing to meet with the staff. They have reviewed the proposed subarea plan and they believe it is an okay project that will bring some increase in quality of life for Cheney. But they do have some concerns, including the entryway. All through the document, "entryway" is probably mentioned the most of any other term. He would like the orientation be to the south and be part of the entryway into the community. Other concerns deal with the entrances into the Cheney community. The proposal shows 91st Street being moved at the north end where it joins Hwy 2 to intersect with a road to be built as a continuation of Yankee Hill Road to the southwest. He would like to see some traffic counts taken on 91st Street because he is concerned that there is not ample room being designed for stacking of traffic with traffic coming into the shopping center. There is also a recommendation that Yankee Hill Road be closed where it comes into Cheney. Cheney would like that left open. He would look forward to meeting with the group that has been formed to address the issues. Cheney wants the opportunity to be involved. Cheney has no legislative authority but the Community Improvement Program would like to have a voice in the process.

4. Beverly Mosher, 6363 So. 70th, testified in opposition to the commercialization of the southeast corner of 70th & Hwy 2. She lives on the northwest corner and is a member of the Family Acres Association, one of five organizations definitely opposed to commercialization. There are a number of important issues including serious traffic problems if this area is commercialized. 70th & Hwy 2 is presently a very busy intersection; if we bring a lot of additional traffic into that area we are making a much more dangerous situation. She is also very concerned about the fact that this has been incorporated into the major plan. The question is, why do we need anything at 70th when this large area at 84th is already designated and has long been designated for commercial?

She moved into an area that the Comprehensive Plan had designated as AGR and the neighbors have built homes on acreages to be in a rural residential setting. The Mosheres have had two very substantial offers to purchase their land, which they would not even consider because they have respect for the neighbors in that area. The people in the five neighborhood associations went door-to-door to get petitions signed by property owners who are directly involved. Every signature on those petitions (640) are people directly involved. Mary Jo Livingston presented 1200 signatures, but she knows that those were gathered from people with no connection to this area. We all wonder, why should the greed of one individual supersede the lifestyle and wishes of all these people that live in this area? We purchased our property in 1959 and we are committed to the area. Livingston purchased the property purely on speculation.

Bayer pointed out that this is a Comprehensive Plan amendment and the area which Mosher is referring to is currently designated as commercial in the plan. Mosher stated that she would agree to office space. None of the neighbors understand how it became commercial. None of the neighbors were made aware of it until it was an accomplished fact. Bayer inquired whether Mosher is indicating that commercial is acceptable. Mosher is not opposed to the office services that do not bring the intense lighting and noise.

Bayer asked staff to review the uses shown on the map. Henrichsen pointed out that there are a few areas that are specifically designated. 70th & Hwy 2 is designated as retail but there are some transitional uses shown on the edge.

5. Harold Mosher testified in opposition. He is well aware that any plan adopted will not please everyone; he is well aware that any plan cannot be perfect; consequently it is entirely possible that the plan will have to be amended in some respects and there is nothing wrong with amending a Comprehensive Plan, and there is nothing wrong if it is done on careful consideration and if there is a demonstrated public need, but no Comprehensive Plan adopted should ever be amended on a whim. For example, an industrial owner knew that his company in processing food emits an odor and also knew and hoped that his company would prosper and get bigger and emit more odors. He asked for the status quo because he has a substantial investment in it. The problem before the Council at 70th & Hwy 2 is the same point. These homes have a substantial investment and they don't want it broken off arbitrarily and have some kind of commercialization put in their back yard. Consider your plan carefully. Go a step further, ask the City Attorney's office to work with you in developing some procedures so that when someone comes before the Commission and asks for a change, there are some procedures set in place before that can be done. Just keep the playing field level and keep it in such a procedure so that a layman can come before you and do it. He has great faith in the intelligence and integrity of the American public when given proper instructions. However, there are those that will try to work the system and if you don't have procedures in place, that is exactly what will happen. There were people who signed in favor of Home Depot at 70th & Hwy 2, but they were not told where it would be located, nor about the traffic congestion—we'll

never know. We did learn that someone who signed it lives in Firth, Nebraska. Some kind of procedure has got to be put in place. We heard a letter written by the President of the Homeowners Association in which they expressed glowing reports to have Home Depot located there. The letter is not under oath. Mosher visited property owners on Stevens Creek Road and they were not aware of the Home Depot but they signed a petition for commercialization. In all those homes he visited in 1.5 miles he found 3 people that thought Home Depot should be permitted. He found 2 people that didn't want to be any part of it. The rest of them signed his petition in opposition, and yet the President of the Homeowners Association is making a claim. Mosher urged the Commission to put procedures into place. People spend lots of money to develop their homes and they should have the integrity of having them preserved.

6. Alan Slattery, attorney, 1201 Lincoln Mall, appeared on behalf of **Pine Lake Association** with 132 residences in this subarea plan. The Pine Lake Association is very interested and is working with the developers and the Planning Department. He will be prepared to present their views on the subarea plan in two weeks.

7. Brian Carstens appeared on behalf of **West Corp.**, the owner of approximately 10 acres, previously shown as commercial. The current proposal shows approximately 40% of it as commercial transitional and West Corp. wants to be on record with a request that their entire site be shown as retail. West Corp. is in favor of Andermatt's proposal to have access on Hwy 2 between 98th and 84th.

8. Bruce Johnson currently resides on an acreage in the subarea plan. He is in favor but he would like to see a few things changed. He wants some of the commercial status to stay in place until some of the studies are completed. He would like to defer any change until we know what's going to go on in the future.

9. Kent Seacrest appeared on behalf of **Andermatt, L.L.C.**, which is the largest property owner in what used to be a proposed larger red commercial area at 84th & Hwy 2. However, Andermatt is not the only property owner that is located in the area from 84th to 98th, Yankee Hill up to Pine Lake. There are four other property owners that Andermatt has been working with. There has been a lot of history. We are talking about Lincoln's next largest shopping area, as well as mixed use, office, and large employers. Andermatt had hoped to have the Gallup site. The history was to make this big enough to serve the market, big enough to be master-planned, big enough to have large setbacks and buffers, big enough to protect the Hwy 2 entrance and big enough for commercial to locate in a master-planned site rather than stripping the Hwy 2 corridor.

Seacrest pointed out that former Planning Director, Tim Stewart, stated that this area was intended to have all those visions. He also said that it would have 1,900,000 sq. ft. for the planning period—2014. But it was intended to eventually be larger and it should be in a coordinated master plan setting.

Seacrest indicated that his client has been working pursuant to Exhibit E. That effort has been many years in the making; they have had two different peace treaties with the Pine Lake neighborhood. First, they relocated a power line so that it would not be next to the neighborhood. The second peace treaty was moving the roads – South 84th is being shifted to the east, and Pine Lake Road is being moved to the north to get 84th to be further away from the Pine Lake neighborhood. Those were very expensive items.

Seacrest further stated that they got to the point where, after 10 years of effort, Andermatt was able to submit the Exhibit E studies, which include a subarea plan of 65 pages along with the traffic study, environmental study, infrastructure study and phasing studies. Andermatt requested 3 million sq. ft. Five million square feet would be allowed with the FAR. The proposed subarea plan by the staff comes forward with 1.9 million sq. ft. “forever”. Andermatt also showed a big lake to help the stormwater protection plan of Stevens Creek, and we don’t see that lake under the staff proposal. Andermatt also proposed a major intersection on Hwy 2 and we don’t see that on the staff proposal. Those are very critical issues to his client for amenity purposes. Gallup liked this site because of that lake. We need the entrance off Hwy 2, 84th, Pine Lake and the new Yankee Hill in order to disperse the traffic.

Seacrest stated that he is not making a presentation today. The bottom line to all of this is that he received this draft plan two weeks ago. Last week, he was told that their two major traffic studies are not acceptable to the city because they showed intersections that the staff did not like and square footage that they did not like. As a result, Seacrest met with the staff last week to figure out what they can agree upon and determined that Andermatt gets to redo the traffic study, and it will not be done until December 15th. Therefore, Seacrest requested a continuance until January 10, 2001, because the Commission is not meeting on December 27th. Seacrest wants to get the traffic study done and share it with staff and the neighbors. He will not be ready to present his client’s position on December 13th.

Steward inquired whether Seacrest’s client owns property on both sides of Hwy 2. Seacrest responded in the affirmative. Steward wondered whether Seacrest had given any thought in view of a reduced strategy to develop only on one side. Seacrest stated, “no, we have not”. He offered to discuss it with his client, but the whole purpose was for the highway services that the community needs and they wanted to segregate it from the center and the larger employer sites. Steward believes that entryway considerations are important and we have already abrogated the notion that we would congregate all of the highway stuff in one place by our action at 70th & Hwy 2. So we begin to get the strip edge, strip edge, strip edge, kind of configuration in this entryway into the city. It would seem to be commercially viable that there would be more contiguous property with more options rather than split across the highway. Seacrest will be glad to give it consideration. His client’s site was designated in 1994, long before the 70th & Hwy 2 site was designated. As part of the subarea plan, Andermatt has proposed a 100’ setback buffer which far exceeds

anything along any of the corridors along any entryway in Lincoln. That setback buffer was intended for both the north as well as the south. His client's proposal is a very low FAR with massive amounts of open space by design to do the quality upscale condition. Steward appreciates that there are design strategies to mitigate the worst case scenario.

Realizing that this came to the forefront in 1994 before the beltways, and that the beltways will probably cross at least one mile away, Schwinn wondered whether this site may be rendered insignificant by those beltways or by the Stevens Creek Subarea Plan. Seacrest believes Stevens Creek will add a lot to the plan because Stevens Creek is abutting so the new homes will be using this facility and they will discover that it is well located. We are now discovering that retailers wish the Andermatt site was a couple miles closer in. To develop that end of Stevens Creek depends on how you sewer it and it might be a considerable period of time. He is not sure we should put all of the commercial on the beltway corridor. Seacrest wishes the beltway was here today and he is looking forward to see the south one done in a shorter period of time.

There was no further public testimony.

Steve Henrichsen advised that the staff is not opposed to a continuance to January 10th. The staff will need to notify all of the property owners who had seen the staff report thinking it would be on the December 13th agenda.

Hunter moved to defer, with continued public hearing and administrative action scheduled for January 10, 2001, seconded by Newman.

Hunter expressed her desire that there be sincere consideration because one of the extreme ways to make a project of this size of the least impact to the surrounding area is to make sure that ingress and egress are adequately provided so that you don't have bottleneck entrances such as at 84th Street and at Yankee Hill. She is hopeful that staff will take some real hard looks at expanding those ingress and egress points to handle the traffic.

With regard to 70th & Hwy 2, Hunter has done a lot of research. The one thing that finally came forward from a Council member involved in the original change to commercial was that the site would never, ever be developed as residential and consequently it would just sit there and that is why it was changed. She believes that in some situations there are pieces of property that because of their shape, location, height, elevation, etc., just don't make good uses and that is why it was done.

Motion to defer to January 10, 2001, carried 8-0: Carlson, Steward, Newman, Hunter, Schwinn, Krieser, Taylor and Bayer voting 'yes'; Duvall having left during the public hearing.

COUNTY CHANGE OF ZONE NO. 201

FROM AG AGRICULTURAL TO AGR AGRICULTURAL RESIDENTIAL

and

COUNTY PRELIMINARY PLAT NO. 00018,

HICKMAN RIDGE ESTATES (formerly Roca Ridge),

ON PROPERTY GENERALLY LOCATED

AT SOUTH 68TH STREET AND ROCA ROAD.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION: November 29, 2000

Members present: Carlson, Steward, Newman, Hunter, Schwinn, Krieser, Taylor and Bayer; Duvall absent.

Proponents

1. **Kent Seacrest** appeared on behalf of the developers of Hickman Ridge Estates. This is not the biggest thing we have ever done but it has been one of the longest and more complex. Late last spring he came before the Commission with an acreage development of 120 acres for 3+ acre sites, being designated as acreages and the Mayor of Hickman was opposed because the southern 200' of the development was in the Hickman jurisdiction. The applicant requested several deferrals to work with Hickman and the neighbors. Six meetings later with the City of Hickman, the applicant did get the change of zone approved by Hickman for the 240' strip to the south and Hickman now supports the preliminary plat. Hickman is a community that wants to do some real planning.

Seacrest advised that the site has been in the Comprehensive Plan since 1976. The applicant revised the layout, protecting the tree masses and the wetlands, and did some master-planning so that some day when Hickman grows, we will be able to put in City infrastructure of water and sewer. This development paves the roads and Hickman is content that it can absorb this site someday.

They also worked on fire ponds. During this process the neighbors to the east (Leisure Lake) were actively opposing this development, but Seacrest believes they have worked out an agreement with them where they can work together on common interests including fire pond protection, paving, etc. One of their key issues has been South 68th Street, which is a rural standard road that is dangerous. The good news is that the county has plans to improve this street, but the bad news is that they don't have plans to do the section in this

plan as fast as other sections. Seacrest has agreed to work with the neighbors in going to the County Board to accelerate this as a priority.

Seacrest thanked the City of Hickman, the Leisure Lake neighbors, Mike DeKalb and various other planning officials and county officials. We now have a much better plan. Staff is supporting this development and the City of Hickman now supports it.

Newman noted that the testimony the Commission heard from the neighbors dealt with traffic. Have you addressed those issues? There was also a lady talking about water runoff. Seacrest stated that they have done their best to address 68th Street. It is a county road and a county project. The bottom line is that we are trying to get the county to accelerate that proposed road improvement project. With regard to drainage, a condition has been added that says that this development will have the same amount of runoff tomorrow as there is today. The person downstream will not notice any difference.

Newman noted the requirement for 50' right-of-way on 68th and Roca Road. Mike DeKalb of Planning staff advised that Roca Road is 40'. The conditions of approval are based on the revised engineer's report. Last time they asked for 50' and this time they did not. He did not know why except they may have felt that it was not needed.

Carlson inquired about the fire prevention pond where the tanker trucks can refill on-site. Seacrest indicated that this developer will comply with the county standards. The new language Seacrest is requesting gives this developer the right to go to the east (Condition #1.2.8). Rather than Hickman Ridge Estates and Leisure Lake Estates both doing a part-time job, this developer thought they should get together, resulting in taking the fire pond off the Hickman Ridge site.

Seacrest pointed out that his proposed Condition #1.3.13 takes care of the downstream neighbor. It is not a standard but this developer is willing to say that the post-development runoff will be just as good as the pre-development runoff.

Seacrest also requested an amendment to Condition #3.2.6 deleting the words, "and a second approved street". Once upon a time, staff wanted a second entrance off 68th Street, but he believes they have convinced the neighbors to the east and they do not want to put more access roads onto this county road. The new plat only shows one street cut off 68th.

2. Sharon Harms, resident of **Leisure Lake Estates**, testified in support. The developer has done a lot of work with these residents to address their concerns. They were initially opposed but the changes and concessions that have been made have changed their position to support. Leisure Lake was concerned about fire protection but this developer has agreed to assist in repairing an existing lake in Leisure Lake Estates to use for fire protection. The lack of turn lanes on 68th Street is a dangerous situation and the Leisure

Lake Estates owners do hope that Seacrest will continue to assist these neighbors in asking the County Engineer to prioritize some improvements.

3. Doug Hunter, 16700 So. 72nd, testified in support. Seacrest has worked with them diligently to resolve some of their issues and they no longer oppose the development. If Seacrest continues to work with them, they are in support. The main concern is safety, i.e. turning lanes. If we add 33 more houses with more cars on 68th Street, the turning lanes are his main concern. He wants to diligently pursue those improvements.

There was no testimony in opposition.

Mike DeKalb of Planning staff had no objection to the proposed amendments to the conditions of approval.

Public hearing was closed.

COUNTY CHANGE OF ZONE NO. 201

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

November 29, 2000

Carlson moved approval, seconded by Newman and carried 8-0: Carlson, Steward, Newman, Hunter, Schwinn, Krieser, Taylor and Bayer voting 'yes'; Duvall absent.

COUNTY PRELIMINARY PLAT NO. 00018

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

November 29, 2000

Schwinn moved approval, with conditions, with amendments as requested by the applicant, seconded by Carlson and carried 8-0: Carlson, Steward, Newman, Hunter, Schwinn, Krieser, Taylor and Bayer voting 'yes'; Duvall absent.

Steward commended the developer and their representatives, the city of Hickman and the neighborhood groups for working together because this is the only way we get an improved project and good participatory planning. It can be done and it does take due diligence.

There being no further business, the meeting was adjourned at 3:55 p.m.

Please note: These minutes will not be formally approved until the next regular meeting of the Planning Commission on December 13, 2000.